

**REMARKS**

Claims 1-6 are pending in this application. The pending claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,359,987 to Tran et al. in view of U.S. Patent No. 6,449,371 to Tan et al.

At page 4, the Office Action indicates that Tran does “not explicitly state[], in block 156, the system measures the voltage to determine the level of amplification necessary.” While the Examiner is arguably correct in that Tran fails to disclose determining the level of amplification, since the cited block 156 of Fig. 4 of Tran teaches determining a voltage level across speaker load, however, in regard to amplification, Tran teaches selecting amplification based on an impedance level. (See block 152 of Fig. 4 of Tran.) In contrast, the present invention generates either a high or low voltage to indicate whether the audio output device is an earphone or external speaker, eliminating the need to determine the impedance level, as in Tran.

In contrast to the unsupported assumptions that are made in the Office Action regarding how Tran might operate, if it were assumed, despite “not [being] explicitly stated” (Office Action, page 4), that Tran measures a voltage, the invention of Claim 1 provides an ear jack for both transferring the audio signal and generating one of a high and low level voltage, and provides a controller for determining the audio device connected to the ear jack based on the high or low level voltage. Tran fails to disclose such an ear jack and controller, and Tan fails to cure the deficiencies of Tran. Claim 5, which is the other pending independent claim, includes similar recitations. Accordingly, the combination of Tran et al. and Tan et al. fails render the present invention unpatentable and the rejection must be withdrawn.

In view of the above, the pending claims, i.e. Claims 1-6, are believed to be in condition for allowance, and issuance of a notice of allowance is respectfully requested. If the Examiner has any questions regarding this communication, it is requested that the Examiner contact the undersigned at the number provided below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant(s)

**THE FARRELL LAW FIRM, P.C.**  
333 Earle Ovington Blvd., Ste. 701  
Uniondale, New York 11553  
TEL: (516) 228-3565